

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 5-13 are present in this application. Claims 5, 7, and 9 have been amended. Dependent claims 11, 12, and 13 have been added.

The changes to independent claims 5, 7, and 9 are cosmetic and clarify the language in the claims. They do not affect the scope of the claims.

The added dependent claims 11-13 recite the feature of using a linear analog/digital conversion characteristic that causes the data originating from the terminal not to be subject to the same restrictions as the telephone data. Support for this feature can be found on page 7, lines 17-22 of the instant specification.

In item 2 on page 2 of the above-identified Office Action, claims 5-10 have been rejected as being anticipated by Long et al. (U.S. 6,804,267) (hereinafter "Long") under 35 U.S.C. § 102(e).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 5 calls for, *inter alia*, a method of handling telephone signals supplied by an analog telephone set and data supplied by a data terminal in the subscriber line circuit of a digital telephone switching system used at least in subregions for data transmission, by:

connecting a telephone set and a data terminal to a subscriber line circuit of a digital telephone switching system through a common analog subscriber line;

subjecting data outgoing to the digital telephone switching system to an analog/digital conversion at a sampling rate above a sampling rate required for telephone information such that the data originating from the data terminal is not subject to the same restrictions as the signals originating from the analog telephone set; and

according to a digital coding to analog conversion, data incoming from the digital telephone switching system using a linear characteristic; and feeding data originating from and handled by the data terminal directly to a data transmission network. (emphasis added)

Long discloses that transceiver training is optimized for DSL modems operating in TCM-ISDN environments. Prior to transceiver training, a modem does not know which mode has been selected. Transceiver training is optimized if mode selection is known prior to transceiver training and the training signals are configured properly for the selected mode. Toward this end, the mode selection is exchanged early in the modem initialization process. By exchanging the mode selection earlier in the modem initialization process, the modem is able to improve transceiver training and configure properly for to the type of data communication. There is no disclosure in Long of using terminal data, as distinguished from telephone data, according to the present claimed invention.

Clearly, Long does not show "subjecting data outgoing to the digital telephone switching system to an analog/digital conversion at a sampling rate above a sampling rate required for telephone information such that the data originating from

the data terminal is not subject to the same restrictions as the signals originating from the analog telephone set" as recited in claim 5 of the instant application. Independent claims 7 and 9 contain similar limitations.

Moreover, new dependent claims 11-13 recite the feature of using a linear analog/digital conversion characteristic that causes the data originating from the terminal not to be subject to the same restrictions as the telephone data.

The references do not show "using a linear analog/digital conversion characteristic such that the data originating from the data terminal is not subject to the same restrictions as the signals originating from the analog telephone set" as recited in dependent claim 11, 12, and 13.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 5, 7, or 9. Claims 5, 7, and 9 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 5, 7, and 9. Further, the cited art does not show the features recited in dependent claims 11, 12, or 13, as discussed above.

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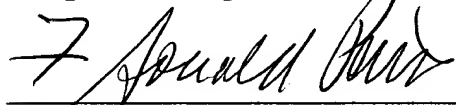
In view of the foregoing, reconsideration and allowance of claims 5-13 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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